

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| UNITED STATES OF AMERICA |) | CASE NO.: 1:05cr372 |
| |) | |
| Plaintiff |) | JUDGE SOLOMON OLIVER, JR. |
| |) | |
| vs. |) | |
| |) | <u>ORDER ACCEPTING PLEA</u> |
| WILLIAM FIGUEROA, |) | <u>AGREEMENT, JUDGMENT, AND</u> |
| |) | <u>REFERRAL TO U.S. PROBATION</u> |
| Defendant |) | <u>OFFICE</u> |

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge **Kenneth S. McHargh** regarding the change of plea hearing and plea agreement of **William Figueroa** which was referred to the Magistrate Judge with the consent of the parties.

On August 3, 2005, the government filed a **3**-count indictment against **William Figuero** for **knowingly and intentionally distributing approximatley one (1) gram of a mixture and substance containing a detectable amount of cocaine base ("crack"), knowingly and intentionally possessing with the intent to distribute 79.83 grams of a**

mixture and substance containing a detectable amount of cocaine base ("crack") and knowingly and intentionally possessing with the intent to distribute 35 grams of a mixture and substance containing a detectable amount of heroin all in violation of Title 21 Section 841(a)(1), (b)(1)(A), and (b)(1)(C) of the United States Code. On September 20, 2005, a hearing was held in which William Figueroa, entered a plea of not guilty before Magistrate Judge Perelman. On November 16, 2005, Magistrate Judge Kenneth McHargh received William Figueroa's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge McHargh filed his R&R on November 16, 2005.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. William Figueroa is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, William Figueroa is adjudged guilty of Counts 1, 2 and 3 in violation of Title 21 Section 841(a)(1), (b)(1)(A), and (b)(1)(C), of the United States Code. This matter is referred to the U.S. Probation Department for the completion of a

pre-sentence investigation and report. Sentencing will be on **February 8, 2006**, at 2:00 p.m. in Courtroom 17A.

IT IS SO ORDERED.

/S/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE